

COUNTY OF LAKE

HEALTH SERVICES DEPARTMENT

Division of Environmental Health Lakeport:

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Raymond Ruminski, REHS Health Services Director

> Craig McMillan MD, Health Officer

May 5, 2006

Re; Response to 2005 CUPA Evaluation, update for 2006

I am writing this letter, with attachments, in response to your request for a response to the 2005 CUPA Evaluation. Enclosed you will find our response from September 2005 to the CUPA Evaluation done in May 2005. I included this in the 2005 CUPA Program a Annual Report sent to your office in September 2005. Please note that the 2006 update you requested is in bold lettering under the 2005 response.

If you have any questions please call me 707-263-1164.

Sincerely;

Kenneth Williams, REHS Hazardous Materials Specialist

COUNTY OF LAKE CUPA PROGRAM 2004 - 2005

09-02=05 by klw update 05-05=06 by klw in bold lettering

INTRODUCTION

The County of Lake Health Services, Environmental Health Division operates the Unified Program with no Participating Agencies (PA). Environmental Health was certified as the CUPA for Lake County on May 16, 1996.

The local program is based on the regulator's relationship with the business owners and the operators. Frequent inspections by trained, competent field inspectors are emphasized. Inspectors are used to educate and increase safety awareness, to document violations, and to develop enforcement cases. The goal is compliance with statutes and regulations for the CUPA program.

SUMMARY OF CUPA PROGRAM

The 2004 - 2005 inspection year has been a year of transition for Lake County. The program manager for the last several years, Manuel Ramirez, left for the City of Berkley in November 2004 and Ken Williams is in the process of taking on this responsibility. On June first and second the county under went a full CUPA Audit with Hazardous Waste and underground Storage tank field inspection reviewed. These were very enlightening as to the county weaknesses and strengths.

The CUPA programs are still being covered and managed by one person. Additional inspectors are anticipated for 2006 or 2007.

One additional inspector (Rich Lyon) was added to the program in November 2005.

In the year 2004 - 2005 all UST facilities were inspected and compliance reviewed. "Significant Operational Compliance" was reviewed for each with notes regarding "Release Detection and Prevention" problems noted. The county had one new Underground tank system installed per 2004 standards for Double Walled Tank Systems. Secondary containment testing has been progressing for those sites due by 1-1-06. There has been one failure of a secondary containment test. Two UST systems have been removed and closed in 2005.

Ken Williams, who is the acting program manager and sole CUPA inspector, passed the ICC UST exam for inspectors on July 27, 2005. Rich will be taking his ICC exam in July 2006.

The most significant improvement in the Hazardous Waste program has been the clarification and standardizing of Class I and Class II and Minor Violations on inspections; and the development of a log-in process for tracking follow-ups. The CUPA AUDIT helped clarify the State Small Quantity Waste Generators program requirements. The county has already included any generators over 55 gallons per month in the Business Plan program, and the list is continuing to be developed. A plan is being developed to inspect these over the next 10 years. A new registration form is being used to register all Hazardous Waste Generators. The noting of Class I, II, and minor violations have been added to the UST inspection reports.

The business plan program is still behind the tri-annual inspection goal, but with additional help on the way this will improve for 2006 - 2007. The county is still progressing with developing a list of farms that fall under the CUPA program. These will be inspected as time allows and personnel increases.

The Above Ground Tank program from the beginning has been part of the Business Plan inspection program. The county has two active SPCC plan sites for above ground bulk fuel storage, but there are approximately 17 more that may need plans.

Potential CAL – ARP sites are in the process of being notified to submit a "Consequence Analysis" so that exemption from the plan requirement can be justified by the county. These are sites that are above the state threshold level but below the federal level. The most common of these sites are Chlorine Gas storage at water and waste water treatment plants and for a few Ammonia storage sites at fruit packing sheds. These will all be notified by the end of 2006. **This notification will now be end of 2007.**

A CUPA Program Self Audit was completed in May 2005 using the State format. Several problem areas were revealed. Of particular concern to me though are points, on the form, that are not clear what it was referring to and how these and others can be corrected. Possibly some help can be given.

ANNUAL SELF AUDIT OF CUPA PROGRAMS 2004 / 2005

SUMMARY OF FINDINGS:

- 1. SELF AUDIT STANDARD: A self audit was done before September 30, 2005
- 2. PARTICIPATING AGENCIES:
 There are no participating agencies in County of Lake
- 3. SINGLE FEE PROGRAM

 There is in place a single fee program in the County of Lake fee ordinance
- 4. LOCAL ORDINANCE, RESOLUTIONS OR AGREEMENTS CHANGES
 There have been no changes in the local ordinances, resolutions or agreements as it
 pertains to the Unifies Program. On January 20, 2003 a lake County ordinance was
 revised to update all Environmental Health Fees, including the Cupa Program. Fee
 categories were added for The Small quantity waste generator program and for
 agricultural operations.
- 5. NEW PROGRAMS ADDED TO THE UNIFIED PROGRAM

 There are two new programs added to the Unified Program, the inspection of
 Farms for business plan and hazardous waste requirements, and the inventorying of
 Hazardous Waste Small Quantity Generators. At this time the facilities are being
 inventoried for future inspection. The goal for both is to inspect them once every
 five years.
- 6. FEE ACCOUNTABILITY PROGRAM
 There is a fee accountability program in place that keeps account of time spent on each program and equipment used. These funds are reviewed annually and updated as needed
- 7. SELF AUDIT AND OTHER PERFORMANCE STANDARDS SATISFIED?
- 8. The compliance rate is high since as much time is provided at each inspection to provide compliance. The majority of violations seen are corrected at the time of the inspection or are of a minor class. Minor violations are given 30 days and follow up inspections are made.
- 9. Our permitting, inspection and informal enforcement programs are effective, as reflected in the high rate of compliance.
- 10. Environmental Health administers the entire CUPA program thus providing excellent consistency and coordination. There is one inspector covering the entire county. Rich Lyon has now been added to the program.

- 11.One Underground storage tank enforcement action was taken in 2003 2004, and none were done in 2005.
- 12.PROGRAM SUMMARY: In fiscal year 2004 2005 County of Lake, Division of Environmental Health performed:
 - A) Business Plan 311 total sites, 276 total non ust

86 sites were inspected for business plan compliance (non-ust). The goal for the program is one inspection every 3 years. The only noted deficiency is having gotten behind in the tri – annual schedule. This was due to a concentration in the UST program over the last 4 years. The program is at a once in 5 years now. The goal in 2006 is to get to once in 4 years, then to be caught up to the schedule in 2007. This will be possible with the addition of personnel to the CUPA Programs.

- B) Underground Storage Tank 35 SITES, 100% were inspected. All sites receive an annual inspection
- C) Hazardous Waste Generator sites are inspected with business plan
- D) Hazardous Waste Treatment = 0 sites (there are 6 silver recovery and recycling sites)
- E) Above Ground Storage Tank 97 SITES (INSPECTION IS DONE WITH BUSINESS PLAN, SPCC plan required at 17 facilities 2 received (all for above ground storage over 1320 gallons in tanks)
- F) Cal Arp no plans required at this time. Facilities are being evaluated to require at least a consequence analysis in order to officially exempt them at the county level. These are site less than the federal threshold level but more than the state level. The sites in question have either chorine gas or ammonia gas. There are no facilities over the federal level.
- 13) Cupa Program Plan needs update, not updated since 1996
 Phone numbers, names, number of facilities
 Will follow "Guidance for the preparation of inspection and enforcement program plans"
- 14) Area Plan needs updating (Phone number, names).

A class/workshop will be taken to help update the plan.

RESPONSE TO DEFICIENCIES FROM 2001 STATE AUDIT

- 1) CONDUCT SELF AUDIT FOR 2000/2001 DONE 2/18/03
- 2) REVIEW AND UPDATE ENFORCEMENT PROGRAM PLAN DONE 2/18/03,
- 3) PROCEDURE FOR HANDLING REQUEST FOR INFORMATION DONE 4/21/03
- 4) PROCEDURE FOR RECORDS MAINTENANCE DONE 4/21-03
- 5) REVIEW AND AMEND SYSTEM FOR EVALUATING PERMITS
 - a) PERMIT CHECKS LISTS ARE BEING USED TO EVALUATE COMPLETENESS AND TECHNICAL ADIQUACY
 - b) FOLLOW UP PROCEDURES NEED TO BE WORKED OUT BETTER AND TRACKING OF CORRECTIONS. THEY ARE PRESENTLY BEING DONE BY HAND ON NOTEBOOKS AND FILING, BUT THIS NEEDS TO BE MADE MORE EFFICIENT BY COMPUTER VERIFICATION
- 6) MEET WITH AGRICULTURE COMMISSIONER
 THIS MEETING STILL NEEDS TO TAKE PLACE. THE
 COMMISSIONER HAS INDICATED THAT HE DOES NOT
 WANT TO GET INVOLVED IN HAZARDOUS MATERIALS
 WITH THE FARMS IN LAKE COUNTY.
- 7) INCLUDE DEFINITIONS FOR CLASS I, II, AND MINOR VIOLATIONS; PENALTY MATRIX; AND AEO IN INSPECTION AND ENFORCEMENT PLAN
 - a) DEFINITIONS FOR CLASS I, II AND MINOR VIOLATION HAVE BEEN ADDED TO INSPECTION PLAN AND ENFORCEMENT ORDERS. DONE 2-18-03
 - b) PENALTY MATRIX AND AEO STILL IN PROCESS
- 8) ENFORCEMENT PORTION OF, INSPECTION AND ENFORCEMENT PLAN NOT FULLY DEVELOPED
 - NOTIFICATION PROCEDURE TO INCLUDE CONFIDENTIALITY, COORDINATION AND TIMELINESS
 - PROVISIONS TO INCLUDE INTEGRATED, JOINT, COMBINED AND MULTI MEDIA ENFORCEMENT. THE

PROGRAM IN THE COUNTY OF LAKE IS A UNIFIED PROGRAM NOT NEEDING OTHER AGENCIES ON A ROUTINE BASIS. JOINT INSPECTIONS ARE MADE ON AN AS NEEDED BASIS AND WE MAKE REFERRALS TO OTHER AGENCIES AS NEEDED

- 9) SUBMIT SUMMARY REPORTS FOR 2000/2001 DONE 2-18-03
- 10) BUSINESS PLANS FROM REGULATED FARMS
 FARMS ARE IN THE PROCESS OF BEING REGULATED AT
 THIS TIME IN LAKE COUNTY
- 11) BUSINESS PLAN INFORMATION FORWARDED TO FIRE AGENCIES

CMHC TRACKS ALL FACILITIES BY FIRE DISTRICT. AS BUSINESS PLANS ARE RECEIVED AND ACCEPTED THEY ARE COPIED AND SENT TO THE APPROPRIATE DISTRICT. DONE 2003

- 12) REVIEW AND UPDATE AREA PLAN AREA PLAN 9/2000, REVIEWED 2003
 - PLAN REVIEWED 4/2005 AND FOUND THAT PHONE NUMBERS AND NAMES HAVE CHANGED. PLAN WILL BE UPDATED 2005
- 13) FORMALIZE HEATING FUEL EXEMPTION
 - PUBLIC HEARING BEING SET UP
- 14) MODIFY ANNUAL CERTIFICATION STATEMENT ON BUSINESS PLAN

DONE 2-18-03

- 15) MODIFY EMERGENCY RESPONSE PROCEDURES FORM FOR BP DONE 2-18-03
- 16) ESTABLISH MECHANISM TO ENSURE INVENTORY STATEMENTS ARE UPDATED OR ANNUALLY CERTIFIED

AT THE SAME TIME AS THE ANNUAL BILLING, CERTIFICATION FORM STATEMENTS ARE SENT TO EACH FACILITY TO EITHER RECERTIFY BUSINESS PLAN AND INVENTORY OR SUBMIT UPDATED INFORMATION. STATEMENTS ARE DUE JANUARY 1 OF THE NEW YEAR. IF NOT RECEIVED, PHONE CALLS, LETTERS OR AN INSPECTION IS MADE AS A FOLLOW UP

- 17) COORDINATE WITH FIRE AGENCIES TO SHARE AND COORDINATE VIOLATIONS AND ENFORCEMENT DONE 2-18-03?

 DO I NEED TO COPY THEM EACH INSPECTION? WHAT TYPE OF COORDINATING AND SHARING IS NEEDED?
- 18) FIRE CODE HAZARD CLASS ON INVENTORY STATEMENT
 LAKE COUNTY IS USING STATE FORM OES #2731 WHICH
 HAS A FIRE CODE HAZARD CLASS SECTION WITH AN
 OPTION TO USE UNIDOCS UN-020 WHICH HAS A FIRE
 CODE SECTION
 DONE 2-18-03, UPDATED 2004
- 19) OPERATING PERMIT WITH STATEMENT TO KEEP PLOT PLAN ON SITE

PERMIT FOR UST HAS STATEMENT TO KEEP PLOT PLAN
ON SITE DONE 2003

- 20) INSPECTIONS TO VERIFY COMPLIANCE OF UST FACILITIES
 - INSPECTIONS OF UST FACILITIES ARE BEING DONE ANNUALLY
 - THE MECHANISM OF TRACKING IS BOTH ON CMHC AND ON ACCESS DATA BASE
 - PRIORITY CAN BE SEEN IN DATES COLUMN WHEN INSPECTION WAS LAST DONE DONE 2-18-03
- 21) INSPECTION OF POTENTIAL APPLIANCE RECYCLING FACILITIES THERE IS ONE APPLIANCE RECYCLER THAT IS INSPECTED ONCE PER THREE YEARS WITH THE BUSINESS PLAN. WE NEED THE STATE LIST OF OTHERS
- 22) INSPECTION OF ALL HAZARDOUS WASTE GENERATORS
 - HAZARDOUS WASTE GENERATORS ARE INSPECTED ONCE PER THREE YEARS WITH THE BUSINESS PLAN INSPECTION
 - SMALL QUANTITY WASTE GENERATORS ARE BEING INVENTORIED AND WILL BE INSPECTED AS OFTEN AS POSSIBLE (ONCE PER 5 YEARS?)
- 23) FACILITY SELF CERTIFICATION FOR "RETURN TO COMPLIANCE"

FACILITY MAY SUBMIT A LETTER ON "RETURN TO COMPLIANCE" IF DESIRED. RE-INSPECTION WILL FOLLOW AT THE APPROPRIATE TIME.

24)PROCEDURE FOR THE RECEIPT AND PROCESSING OF CONTINGENCY PLAN ACTIVATION REPORTS REPORTS ARE DATE STAMPED, REVIEWED AND FILED INTO FACILITY FILE

RESPONSE TO DEFICIENCIES FROM 2005 STATE CUPA AUDIT

Response done 09-02=05 by klw
Bolded lettering is 2006 update done on 05-05=06 by klw

1) Certification of "Return To Compliance"
A form for "Return To compliance" has been developed and is now being used.
Documentation of receipt is being kept on the Access database.

Although the form "Return to Compliance" has been developed (see enclosed), the use of it is still in the practicing stage. At this point I find it cumbersome and in most cases not practical to insure compliance. I find it better to put them on a 30 day notice at the time of the inspection then follow up the inspection, after the 30 days, with another inspection. For very minor problems I have been handing them out.

2) Tracking of information for annual state reports

New database columns have been added to be able to numericalize violation types and enforcement actions.

On the Access data base I use, I have columns for "Significant Operational Compliance" and for Class I, II, and minor violations.

3) Agriculture handlers of hazardous materials Inventory is being developed.

This inventory continues to be developed

4) Hazardous Waste generators under 55 gallons SQGs under 55 gallons are being inventoried and inspected as they are found. Registration form is required and a self audit is provided to each facility.

This inventory continues to be developed and the registration form is handed out when a site is identified.

5) Inspect HMBP facilities every 3 years
Inspections are being made as time allows. More personnel are projected in the future
to help in keeping within the time frame of once per three years. At the present it is
on a rate of about once per 5 years.

The inspection rate for business plan only facilities is still about 2 years behind the standard but the UST inspections are being kept up to the required annual rate. I now have another person in the hazardous materials program and I expect when he is fully trained to come into compliance by this time next year.

6) HW violations cited as Class I, II, and Minor Violations are being noted on inspections as Class I, II, or minor and the database has entries as Class I, II, or minor. Violations other than Haz Waste are also being entered in this manner.

Citing violations as Class I, II, and Minor are still being noted on all inspection.

7) Preliminary risk assessment of potential CAL – ARP facilities
Letters are being sent out over the next month requiring a consequence analysis be submitted by 1-1-06

This is still an area that needs to be addressed further. This county has few facilities that us extremely hazardous materials but do have some that use Chlorine gas in less than 1000 pounds and some facilities use ammonia as a refrigerant. These sites have been identified and letters need to be sent. The City of Lakeport has several sites and they have been notified that a "Preliminary Risk Assessment" is needed.

8) Hazardous Material Area Plan update
The Area plan has been reviewed and areas needing updating noted.

Area Plan training is coming up that I will be attending in order to help update our plan.

9) Annual Business Plan Certification of inventory Current form for recertification covers all information required.

This continues to NOT be a problem.

10) Ensure inventory or recertification is submitted before March 1 of each year Follow ups are being made by phone and visit after January 1 of each year to those facilities that have not submitted a recertification. A blank form is sent to each facility with the permit billing in November of the year before.

This continues to NOT be a problem.

11) Submittal of Business Plan Activities page
At the time of each inspection the Business Plan for the facility is reviewed with the owner/manager and an activities page filled out if needed.

This continues to be part of our business plan review and is required to be filled out

12) Public Hearing for exempting heating fuel from Business Plan submittal A date is being set to have the hearing.

This date has not been set yet.

13) Inspection report writing
Inspection reports are being written in detail with fact, violation and correction noted.

This continues to NOT be a problem.

14) UST plot plans

Plot plans are being reviewed before each inspection and on site to make sure all monitoring is shown. This is also reviewed with the owner/manager.

UST plot maps are reviewed before each inspection and are required to be updated as needed.

RESPONSE TO OBSERVATIONS AND RECOMMENDATIONS FROM 2005 STATE CUPA AUDIT

1) Meeting with Fire agencies
The CUPA is now on the monthly Fire Chiefs meeting agenda, (quarterly)

This regular meeting with the fire departments still has not happened. I have been invited but have not been able to attend. With the new man on board he will be able to attend this more regularly. Probably quarterly.

- 2) Listing activities on the inspection report and writing with sufficient detail
 - A listing of activities will be included on reports
 - There is currently sufficient detail on reports to establish violations and corrective action
 - The "Inspection Report Writing Guidance" document has been downloaded and is now being reviewed and studied division wide

This continues to NOT be a problem.

3) Hazardous Waste checklist to be left at facility
All checklists are typically for use by the inspector, to ensure that all areas are covered
during the inspection and are used as a basis for the report writing. They are not
designed to be given to the facility unless they are asked for. (They are offered) These
checklists typically have notes, scribbles and other marks and checks that can be read
and deciphered by the inspector. The checklist gives no additional information to the
facility on the nature or severity of any violation. The Hazardous waste checklist is
combined with the hazardous Materials business plan and inspection checklist. Again
they are offered if the facility desires.

The Hazardous Materials Inspection form and the checklist have been merged into one document. A copy of the full report is left with the owner or operator.

4) Classification of Hazardous Waste violations on reports
Classification of Hazardous Waste violations are included on the report left at the
facility. Again the checklist is designed for the notes of the inspector but is offered to
be copied by the facility if desired.

As noted before all violations are noted as Class I, II or Minor. A copy of the report is left with the owner or operator.

5) Follow up on complaint referral from DTSC

This CUPA has always held complaint referrals from DTSC as a high priority and have responded to them when sent

This will continue to be a high priority for this CUPA.

6) Confirmation of issuance of EPA ID number Confirmation will be made on each inspection in the future for ID number for any facility that produces any kind or amount of hazardous waste.

Confirmation of an EPA ID number is a major portion of our inspection. If a facility does not have one a form is provided for them to get one.